

EXHIBIT A

BURNHAM COMMERCIAL

INTEROFFICE MEMORANDUM

TO: BURNHAM HOLDINGS
ATTN: LAURA HATTON, CORPORATE RISK MANAGER
FROM: JAKE GRAHAM
SUBJECT: LEGAL DOCUMENTS
DATE: 10/13/21

Laura,

Enclosed please find Legal Documents that were served upon Burnham, LLC. The documents attached were received at Burnham LLC on the date above at:

(Time) 2:55 PM, Served by: Denise.

Per our inter-company agreement with Burnham Holdings, please process appropriately and/or tender to our liability insurance carrier for handling.

Jake Graham

FILED
09-21-2021
John Barrett
Clerk of Circuit Court
2021CV005815
Honorable Kevin E.
Martens-27
Branch 27

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

SUSAN DWYER

Personal Representative of the Estate
Of William Dwyer, Deceased
17500 St. James Road
Brookfield, WI 53045

Plaintiff,

**CENTERS FOR MEDICARE &
MEDICAID** (Medicare Part A and Part B)
c/o U.S. Department of Justice
517 E. Wisconsin Ave.
Milwaukee, WI 53202

Involuntary Plaintiff,

v.

BURNHAM LLC

1237-1241 Harrisburg Ave
Lancaster, PA 17603-2515

and

K. & L HEATING AND AIR CONDITIONING INC.

c/o James B. Hanley
Niebler, Pyzyk, Carrig, Jelenchick & Hanley LLP
N94 W17900 Appleton Avenue, Suite 200
Menomonee Falls, WI 53051

Defendants.

SUMMONS

Case No.

Code: 30108 - Asbestos

The damages claimed in this action are in
excess of that in Wis. Stat. § 799.01(1)(d).

Amount Claimed over \$10,000.00

SUMMONS

THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT:

YOU ARE HEREBY NOTIFIED that the above Plaintiff has filed a lawsuit or other legal
action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written

answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is: Milwaukee County Clerk of Circuit Court, Civil Division, 901 N. 9th Street, Room 104, Milwaukee, WI 53233 and to PASTERNAK & ZIRGIBEL S.C., Plaintiff's attorney, whose address is: 19601 W. Bluemound Rd., 2nd Floor, Brookfield, WI 53045.

You may have any attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated at Brookfield, Wisconsin, this 21st day of September, 2021

Respectfully Submitted,

Electronically signed by Frank T. Pasternak
Frank T. Pasternak, State Bar No. 1024691
Ryan P. Linsner (to be admitted Pro Hac Vice)

Attorneys for Plaintiff
PASTERNAK & ZIRGIBEL, S.C.
19601 W. Bluemound Road, 2nd Floor
Brookfield, WI 53045
(262) 785-0802
frank@injurywisconsin.com

COONEY & CONWAY LLP
120 N. LaSalle Street, 30th Floor
Chicago, IL 60602
(312) 236-6166
rlinsner@cooneyconway.com

FILED
09-21-2021
John Barrett
Clerk of Circuit Court
2021CV005815
Honorable Kevin E.
Martens-27
Branch 27

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

SUSAN DWYER

Personal Representative of the Estate
Of William Dwyer, Deceased
17500 St. James Road
Brookfield, WI 53045

Plaintiff,

**CENTERS FOR MEDICARE &
MEDICAID** (Medicare Part A and Part B)
c/o U.S. Department of Justice
517 E. Wisconsin Ave.
Milwaukee, WI 53202

Involuntary Plaintiff,

v.

BURNHAM LLC

1237-1241 Harrisburg Ave
Lancaster, PA 17603-2515

and

K. & L HEATING AND AIR CONDITIONING INC.

c/o James B. Hanley
Niebler, Pyzyk, Carrig, Jelenchick & Hanley LLP
N94 W17900 Appleton Avenue, Suite 200
Menomonee Falls, WI 53051

Defendants.

COMPLAINT

Case No.

Code: 30108 - Asbestos

The damages claimed in this action are in
excess of that in Wis. Stat. § 799.01(1)(d).

Amount Claimed over \$10,000.00

COMPLAINT

The above-named Plaintiff complains of Defendants as follows:

1. Plaintiff, SUSAN DWYER, is the Personal Representative of the Estate of William Dwyer, Deceased. SUSAN DWYER resides at 17500 St. James Road, Brookfield, WI 53045.

2. Plaintiff's Decedent, WILLIAM DWYER, resided at 17500 St. James Road, Brookfield, WI 53045.
3. The Involuntary Plaintiff, CENTERS FOR MEDICARE AND MEDICAID, (hereinafter referred to as "Medicare"), upon information and belief, is a governmental entity duly authorized to conduct business in the state of Wisconsin, with its office of legal counsel located at U.S. Department of Justice, 222 W. Washington Ave., Suite 700, Madison, WI 53703. Further, upon information and belief, as an Involuntary Plaintiff to this action, Medicare, may have paid or did in fact pay certain medical bills on behalf of Plaintiff's Decedent, WILLIAM DWYER, incurred as a result of injuries sustained as alleged herein, and the said Involuntary Plaintiff may claim rights based upon subrogation for the reimbursement of such medical bills.
4. The Defendant, BURNHAM LLC, is a foreign corporation. At all times material hereto, BURNHAM LLC was authorized to do business and conducted business in the State of Wisconsin and was engaged in the business of designing, manufacturing, processing, importing, converting, compounding, supplying, installing, replacing, repairing, using, and/or retailing substantial amounts of asbestos and/or asbestos containing products, materials, or equipment, including but not limited to, boilers. Furthermore, BURNHAM LLC does substantial business in Milwaukee County and the State of Wisconsin.
5. The Defendant, K. & L HEATING AND AIR CONDITIONING INC. (hereinafter K&L HEATING), is a domestic corporation, duly organized under and by virtue of the laws of the State of Wisconsin, with its principal place of business located at 3835 Mountain Drive, Brookfield, WI 53045. At all material times hereto, K&L HEATING was authorized to do business in the State of Wisconsin, and was engaged in the business of designing,

importing, supplying, distributing and/or retailed substantial amounts of asbestos and/or asbestos containing products or materials, including but not limited to the removal and installation of asbestos containing insulation, gaskets, and refractory materials. Furthermore, the Defendant, K&L HEATING, does substantial business in Milwaukee County and the State of Wisconsin.

6. Plaintiff's Decedent, WILLIAM DWYER, was employed from 1973 to 1990 in various capacities, including Maintenance Man and Property Manager, at various locations throughout the State of Wisconsin, including Milwaukee, Wisconsin.
7. Upon information and belief, during the course of his employment as a Maintenance Man and Property Manager, the Plaintiff's Decedent, WILLIAM DWYER, was exposed to and inhaled, ingested, or otherwise absorbed asbestos fibers and/or asbestiform fibers emanating from certain asbestos products and/or asbestos-insulation equipment the Plaintiff was working with and around which were manufactured, sold, distributed (or otherwise placed into commerce), designed, packaged, removed, disturbed during maintenance activities, or installed by the Defendants, BURNHAM LLC and K&L HEATING.
8. At all times set forth herein, the Defendants' products were being employed in a manner and for the purposes for which they were intended.
9. At the aforesaid time and place, Defendants owed a duty to exercise reasonable care in the design, manufacture, and use of their products by foreseeable users, including Decedent.
10. Defendants were negligent in one or more of the following ways:

- a. Included asbestos in their products even though it was foreseeable and could or should have been anticipated that persons such as Decedent working with or around them would inhale, ingest, or otherwise absorb asbestos;
- b. Included asbestos in their products when the Defendants knew or should have known that said asbestos fibers would have a toxic, poisonous and highly deleterious effect upon the health of persons inhaling, ingesting, or otherwise absorbing them;
- c. Included asbestos in their products when adequate substitutes for the asbestos in them was available;
- d. Failed to provide any or adequate warnings to persons working with and around their products of the dangers of inhaling, ingesting, or otherwise absorbing these fibers contained in them;
- e. Failed to provide any or adequate instructions concerning the safe methods of working with and around their products, including specific instructions on how to avoid inhaling, ingesting, or otherwise absorbing asbestos fibers from their products;
- f. Failed to conduct tests on the asbestos containing products designed, manufactured, sold, delivered, installed and/or removed by the Defendants in order to determine the hazards which workers such as Decedent might be exposed while working with and around Defendants' products;
- g. Marketed and/or distributed a product containing asbestos fibers;
- h. Failed to provide instruction as to what appropriate apparel, if any, would be safe to wear while using and/or working in proximity to Defendants' products;

- i. Failed to develop alternative, non-asbestos containing products and equipment in a timely manner;
 - j. Failed to inform users that asbestos containing products caused asbestosis and cancer in laboratory animals and humans; and
 - k. Failed to provide safe packaging for their products.
11. As a proximate cause of one or more of the aforesaid negligent acts or omissions on the part of Defendants, Defendants' products were unreasonably dangerous to persons such as Plaintiff's Decedent, WILLIAM DWYER.
12. Plaintiff's Decedent, WILLIAM DWYER, was exposed to, inhaled, ingested, or otherwise absorbed asbestos containing fibers, causing WILLIAM DWYER to develop Mesothelioma, which ultimately led to his death on November 30, 2018, causing Plaintiff to suffer injuries of a personal and pecuniary nature, including death.

WHEREFORE, Plaintiff, SUSAN DWYER, Personal Representative of the Estate of WILLIAM DWYER, Deceased, demands judgment against the Defendants, BURNHAM, LLC, f/k/a BURNHAM BOILER CO. and K. & L HEATING AND AIR CONDITIONING, INC., and each of them, for money damages together with interest, costs, disbursements, and attorneys' fees incurred herein.

A TRIAL BY A JURY OF TWELVE IS HEREBY DEMANDED.

Dated at Brookfield, Wisconsin this 21st day of September 2021.

Attorneys for Plaintiff

Electronically signed by Frank T. Pasternak
Frank T. Pasternak, State Bar No. 1024691
Ryan P. Linsner, (to be admitted Pro Hac Vice)

PASTERNAK & ZIRGIBEL S.C.

19601 W. Bluemound Rd., 2nd Floor

Brookfield, WI 53045

P: (262) 785-0802

F: (262) 785-0861

frank@injurywisconsin.com**COONEY AND CONWAY LLP**

120 N LaSalle St, 30th Floor

Chicago, Illinois 60602

P:(312) 236-6166

F: (312) 236-3029

rlinsner@cooneyconway.com

FILED
10-07-2021
John Barrett
Clerk of Circuit Court
2021CV005815

DATE SIGNED: October 6, 2021

Electronically signed by Kevin E. Martens-27
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

SUSAN DWYER

Personal Representative of the Estate
Of William Dwyer, Deceased
17500 St. James Road
Brookfield, WI 53045

Plaintiff,

Case No. 2021 CV 005815
The Honorable Kevin E. Martens, Branch 27

**CENTERS FOR MEDICARE &
MEDICAID** (Medicare Part A and Part B)
c/o U.S. Department of Justice
517 E. Wisconsin Ave.
Milwaukee, WI 53202

Involuntary Plaintiff,

v.

BURNHAM LLC

1237-1241 Harrisburg Ave
Lancaster, PA 17603-2515

and

K. & L HEATING AND AIR CONDITIONING INC.

c/o James B. Hanley
Niebler, Pyzyk, Carrig, Jelenchick & Hanley LLP
N94 W17900 Appleton Avenue, Suite 200
Menomonee Falls, WI 53051

Defendants.

**ORDER DISMISSING DEFENDANT, K. & L HEATING AND
AIR CONDITIONING INC., ONLY, WITHOUT PREJUDICE**

Upon reading plaintiff's NOTICE OF PARTIAL VOLUNTARY DISMISSAL,
pursuant to Wis. Stats. §805.04:

IT IS HEREBY ORDERED that the defendant, K. & L HEATING AND AIR
CONDITIONING INC., only, is dismissed without prejudice and without costs

FILED
09-21-2021
John Barrett
Clerk of Circuit Court
2021CV005815
Honorable Kevin E.
Martens-27
Branch 27

LAW OFFICES

PASTERNAK & ZIRGIBEL S.C.

SECOND FLOOR

19601 WEST BLUEMOUND ROAD

BROOKFIELD, WISCONSIN 53045

TELEPHONE (262) 785-0802

FAX (262) 785-0861

WWW.INJURYWISCONSIN.COM

September 21, 2021

Clerk of Civil Court
Milwaukee County Courthouse
901 N. 9th Street,
Milwaukee, WI 53233

RE: *Susan Dwyer et. al vs. Burnham, , LLC, et. al.*
Case No.: TBD

Dear Clerk:

Counsel for Plaintiff hereby formally demands a 12 person jury in the above referenced matter and has accordingly paid the jury fee with the electronic filing of this letter.

Very truly yours,
PASTERNAK & ZIRGIBEL, S.C.

Electronically signed by Attorney Frank T. Pasternak

Frank T. Pasternak

FTP/sct